

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DIAUNTAE JAMAR MONTGOMERY,  
Plaintiff,

v.

ALEX VILLANUEVA, et al.,  
Defendants.

Case No. [23-cv-03803-DMR](#) (PR)

**ORDER OF TRANSFER**

Plaintiff, an inmate at the Los Angeles County Jail, has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Dkt. 1. He has not filed a completed *in forma pauperis* application. Instead, he filed a request to waive court fees. Dkt. 4.

Plaintiff's claims stem from alleged constitutional violations involving officials from the Los Angeles County Sheriff's Department. Thus, the acts complained of occurred in Los Angeles County, which lies within the venue of the Central District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the Western Division of the United States District Court for the Central District of California.<sup>1</sup> The Clerk of the Court shall transfer the case forthwith.

If Plaintiff wishes to further pursue this action, he must complete the *in forma pauperis* application required by the United States District Court for the Central District of California and mail it to that district.

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<sup>1</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

1 All pending motions are TERMINATED on this court's docket as no longer pending in  
2 this district, including plaintiff's request to waive court fees. Dkt. 4.

3 IT IS SO ORDERED.

4 Dated: August 7, 2023



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Chief Magistrate Judge  
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